IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

CRL.A.No. 372 of 2001()

CC.406/1998 of JUDL.MAGISTRATE OF FIRST CLASS COURT -I, ALAPPUZHA

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APPELLANT:

K.RAJAN, PARAVELIVEEDU
MANNANCHERI P.O., ALAPPUZHA

BY ADV. SMT.P.M.INDU
SRI.GEORGE SEBASTIAN

RESPONDENTS:

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1. P.M.ABULKHADER, KUTTANPARAMBU
POONTHOPPU WARD, ALAPPUZHA

2. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.372 of 2001

Dated this the 25th day of July, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(1) of Crl.P.C. as the complainant was absent. It is submitted that the complainant was laid up on the particular posting date of the case.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 16.8.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl